

**NOTICE OF FAIRNESS HEARING FOR CONSIDERATION OF THE HOUSING
ELEMENT AND FAIR SHARE COMPLIANCE PLAN OF THE TOWNSHIP OF
NORTH BRUNSWICK, COUNTY OF MIDDLESEX (“TOWNSHIP”)**

Docket No. MID-L-3565-15

PLEASE TAKE NOTICE that on Wednesday, April 27, 2016, beginning at 2:00 P.M., a “Fairness and Compliance Hearing” (the “Hearing”) will be conducted before the Honorable Douglas K. Wolfson, J.S.C. at the Middlesex County Superior Court Courthouse, Chambers 408, 56 Paterson Street, New Brunswick, NJ 08903. Upon conclusion of the Hearing, the Court will determine whether the terms of a Settlement Agreement (the “Settlement Agreement”) between the Township and Intervenor, Fair Share Housing Center (“FSHC”), Intervenor, K-Land No. 54, LLC (“Kaplan”) and Interested Party, North Brunswick TOD Associates, LLC (“NBTOD”) to resolve the within Declaratory Judgment action, is fair and reasonable to low income and moderate income households and whether the Township’s proposed Housing Element and Fair Share Plan (hereinafter the “Affordable Housing Plan”), satisfies the Township’s obligation to provide a realistic opportunity for the creation of affordable housing pursuant to its constitutional responsibilities under the *Mount Laurel Doctrine*.

Particularly, the Court will consider whether the Affordable Housing Plan, which has been adopted by the Township Planning Board and endorsed by the Township Council, subject to the Court’s approval, satisfies the Township’s obligation to provide a realistic opportunity for the creation of affordable housing. The Affordable Housing Plan addresses the Township’s Present Need Obligation (or rehabilitation obligation) of 199 housing units, its Prior Round Obligation of 395 housing units and its Third Round Prospective Need Obligation of 700 units, all as determined pursuant to the Fair Housing Act, *N.J.S.A. 52:27D-301, et seq.*, the substantive, applicable regulations of the New Jersey Council on Affordable Housing (“COAH”), the New

Jersey Supreme Court's March 10, 2015 decision in the matter of In re N.J.A.C. 5:96 & N.J.A.C. 5:97, 221 N.J. 1 (2015), and other applicable laws.

The Township seeks a Judgment of Compliance and a Judgment of Repose, which will afford the Township, among other things, a period of ten years of protection from any builder's remedy lawsuits brought pursuant to the *Mount Laurel Doctrine*.

The Affordable Housing Plan sets forth those compliance mechanisms the Township will employ to address its affordable housing obligation. The full text of the Settlement Agreement and the Township's Affordable Housing Plan is available for public inspection and/or photocopying (at requestor's expense) during normal business hours at the Township Clerk's office located at 710 Hermann Road, North Brunswick, New Jersey and is posted on the Township's website at www.northbrunswicknj.gov.

Any interested person may seek to appear and be heard at the Hearing to address the Township's Affordable Housing Plan and the Settlement Agreement, and offer any comments or objections, *provided* any such person first files with the Court at the above address, its comments or objections, in writing, no later than ten (10) days prior to the Hearing and serves and emails such objections or comments upon the following:

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This Notice is provided pursuant to Order of the Court and is intended to inform interested persons of the Settlement Agreement and the Township's Affordable Housing Plan and inform such persons that they may comment upon the Settlement Agreement and Affordable Housing Plan before the Court reviews and evaluates whether to approve the Settlement Agreement and Affordable Housing Plan. This Notice does not indicate any view by the Court as to the fairness of the Settlement Agreement or the adequacy of the Township's Affordable Housing Plan.

DeCOTIIS, FITZPATRICK & COLE, LLP

By: _____
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Brunswick